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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,965	12/15/2003	Fernando Salazar	LOT9-2003-0070-US1 (7321-	1335
46321 7590 08/22/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER TO, BAOQUOC N	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/734,965

Applicant(s)

SALAZAR ET AL.

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-9,12,13,15-17,20,21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-9,12,13,15-17,20,21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 7-9, 15-17 and 23-24 are amended and claims 2-3, 10-11 and 18-19 are canceled in the amendment filed on 06/01/2007. Claims 1, 4-5, 7-9, 12-13, 15-17, 20-21 and 23-24 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments filed 04/19/2007 have been fully considered but they are not persuasive.

Applicant argues "applicant argues neither Martin, nor Prompt, nor any combination thereof can teach each and every limitation recited in claim 1, 9 and 17 as the word "learning" is wholly absent from Martin and Prompt and neither reference even mention an LMS or an e-learning model. By comparison, though Whitehurst does relate to an LMS, nowhere in Whitehurst is there a teaching of a conversion of user and course information from a source database in an e-learning model to a target database in an LMS. Thus, it is impossible for any combination of Martin, Prompt and Whitehurst to render any claim 1 through 24 obvious under 35 U.S.C. 103(a)."

The examiner disagrees with the above argument. Under the KSR case law, motivation for combining Martin, Prompt and Whitehurst does not required to be explicitly disclosed; however, the motivation can be implicitly disclosed because converting data from source to another is well known such teaching is disclosed by Martin. And matching data of the converted source to the existing data in the target for the purpose of updating such disclosed by Prompt. The basic of converting and

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updating is both known and whatever data can be converted using this conventional method in which the data might be education, banking... Therefore, under KSR combining Martin, Prompt and Whitehurst would yield predictable results.

### ***Claim Objections***

3. Claims 1, 9 and 17 are objected to because of the following informalities: claim 1 recites "user information and course information" in lines 1-2 which is not the same as "the user and course information" in line 4, claim 9 recites "user information and course information" in lines 2-3 which is not the same as "the user and course information" and claim 17 recites "user information and course information" which is not the same as "the user and course information." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17, 20-21 and 23-24 are rejected under 35 U.S.C. 101 because claims 17 recites a data transformation tools for transforming... which appears to be program per se or software per se.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-5, 9, 12-13, 17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Prompt et al. (US. Patent No. 6,985,905 B2) and further in view of Whitehurst et al. (US. Patent No. 6,978,115 B2).

Regarding on claim 1, Martin teaches a method of transforming a user information and course information from a source database in an e-learning model to a target database in a learning management system, the method comprising:

Converting the source data to a format compatible with the target database, the converted source data containing object identification information (if the source database 104A uses a different database management system than the target

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database, the transform block may be required to transform the data to the target database format) (col. 9, lines 35-39); and

Loading the converted source data into the target database (the transform block may be required to transform the data to the target database format to enable storage in the database 104B) (col. 9, lines 36-39).

Martin does not explicitly teaches matching object identifiers with corresponding object identifiers related to the object identification information contained in the converted user and course information; and storing the unmatched object identifiers for manual handling and the user information and the course information form a source data in an e-learning model to a target data base in a learning management system. On the other hand, Prompt discloses matching the object identifier with corresponding object identification information contained in the converted source data if there is an existing directory containing object identifiers related to the object identification information contained in the converted source data (as corresponding to this is contrasted with conventional LDAP directories which require data to be extracted for the authoritative source of the information and transformed into a format matching the LDAP schema of the directory...) (col. 16, lines 55-62). This suggests the concept of matching object of the convert source into the object of LDAP format and obviously the unmatched have to be manually handled and stored. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify martin's system to include the matching the object in the converted source to the object of the LDAP as disclosed in Prompt in order to allow the converted data to be merge

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into the directory which uses for processing. Further both Martin and Whitehurst do not explicitly teach the method of claim 5, further comprising manually selecting a match of object identifiers and corresponding object identification if no match or if more than one potential match is found; however, Haimowitz discloses manually selecting a match of object identifiers and corresponding object identification if no match or if more than one potential match is found (as corresponding to if the pending record is actually a new record, then the data is entered into a new record in the existing records database 12. If there is a match with one or more records, then the user can mark the records and can select which one will get the updated information) (col. 10, lines 14-18). This suggests he claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify both Martin and Whitehurst system to include user selection of matching records as disclosed in Haimowitz in order to merge the converted records into the new directory for processing.

Claim 9 is a computer-readable storage medium storing a computer program which when executed performs a method of transforming source data from a source database to a target database in a data management system the method performs the step similar to claim 1; therefore, claim 9 is rejected under the same reason as to claim 1.

Claim 17 is a data transformation system for transforming source data from a source database to a target database in the data management system, the system

perform the step similar to claim 1; therefore, claim 17 is rejected under the same reason as to claim 1.

Regarding on claim 4, Martin teaches the method of claim 1, further comprising updating the source database to include the object identifiers contained in the existing directory if a match is found (col. 5, lines 33-38).

Claim 12 recites the same limitation as to claim 4; therefore, claim 12 is rejected under the same reason as to claim 4.

Claim 20 recites the same limitation as to claim 4; therefore, claim 20 is rejected under the same reason as to claim 4.

Regarding to claim 5, Martin discloses the concept of claim 1, wherein the object identification information and the object identifier relate to names of user of the learning management system (the extracted data source are the user names) (col. 9, line 32).

Claim 13 recites the same limitation as to claim 5; therefore, claim 13 is rejected under the same reason as to claim 5.

Claim 21 recites the same limitation as to claim 5; therefore, claim 21 is rejected under the same reason as to claim 5.

6. Claims 8, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Prompt et al. (US. Patent No. 6,985,905 B2) in view of Whitehurst et al. (US. Patent No. 6,978,115 B2) and further in view of Haimowitz et al. (US. Patent No. 5,819,291 B2).



Regarding on claim 8, Martin, Prompt and Whitehurst do not explicitly teach the method of claim 1 further comprising if more than one potential match is found, creating a file containing the potential matches and re-generating the matching process. However, Haimowitz discloses teach the method of claim 1 further comprising if more than one potential match is found, creating a file containing the potential matches and re-generating the matching process (as corresponding to if the pending record is actually a new record, then the data is entered into a new record in the existing records database 12. If there is a match with one or more records, then the user can mark the records and can select which one will get the updated information) (col. 10, lines 14-18). This suggests he claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Martin, Prompt and Whitehurst system to include user selection of one more matching records as disclosed in Haimowitz in order to merge the converted records into the new directory for processing.

Claim 15 recites the same limitation as to claim 8; therefore, claim 15 is rejected under the same reason as to claim 15.

Claim 23 recites the same limitation as to claim 8; therefore, claim 23 is rejected under the same reason as to claim 8.

7. Claims 7, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Prompt et al. (US. Patent No. 6,985,905 B2) in view of Whitehurst et al. (US. Patent No. 6,978,115 B2) and further in

view of Haimowitz et al. (US. Patent No. 5,819,291 B2) and further in view of Doyle (US. Patent No. 6,058,239).

Regarding on claim 7, Martin, Prompt and Whitehurst and Haimowitz discloses the method of claim 1 excepting for wherein storing unmatched object identifiers for manual handling comprises further creating a file contain the object identifiers having a format similar to the converted source data. On the other hand, Doyle discloses wherein if no match is found, further creating a file contain the object identifiers having a format similar to the converted source data (if there is no match, an algorithm 25 save the trial key file as a new permanent key file 26, and tag. ID 9 is set to the ID of the newly created key file. In any case, an algorithm 27 creates a new catalog entry for the recording session (col. 4, lines 2-5). This suggests the claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Martin, Prompt and Whitehurst and Haimowitz to include creating a new file for the converted data as disclosed by Doyle to allow the data to store in the new system for later processing.

Claim 16 recites the same limitation as to claim 7; therefore, claim 16 is rejected under the same reason as to claim 7.

Claim 24 recites the same limitation as to claim 8; therefore, claim 24 is rejected under the same reason as to claim 8.

**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300

[Official Communication]

BQ To

August 19th, 2007

